IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B.CRIMINAL MISC. PETITION NO. 307/2006
(Sohan Singh & Ors. Vs. State of Rajasthan & Anr.)

Date of Order : 04/08/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

None present for the petitioners.
Mr. Ashok Upadhyay, public prosecutor.

BY THE COURT:-

No one appears for the petitioners despite repeated calls.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioners seek quashing of FIR No. 06/2006 Police Station, Bhojasar for the offences under Sections 143, 447 and 379 IPC.

I have carefully gone through the memo of petition as also the first information report.

In the first information report, it has categorically been alleged by the complainant that an agriculture field bearing Khasra No.967 measuring 56 bighas situated at Ridmalsar is

owned and possessed by him and is his pattasud land. The allegation against the petitioners is that they committed trespass, cut the Khejries, unearthed the 25 "Khunts" from the field of the complainant and took away the same with them and as such committed theft by forming an unlawful assembly. Apart from this, there are many more other allegations and thus, on close scrutiny of the FIR, in my view, the FIR discloses the commission of cognizable offences.

In this view of the matter, since the FIR discloses the commission of cognizable offences, keeping in view the decisions of Hon'ble Supreme Court in State of Haryana Vs. Bhajan Lal, 1992 (Suppl.) 1 SCC 335 and in Union of India and Ors. Vs. B.R.Bajaj and Others (1994) 2 SCC 277, no case for quashing the FIR is made out.

The criminal misc. petition has no force and is therefore, dismissed.

(H.R.PANWAR),J.

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